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SUTHERLAND II SUTHERLAND, ASBILL & BRENNAN, LLC 999 PEACHTREE STREET ATLANTA, GA 30309			EXAMINER SHAIKH, MOHAMMAD Z	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/631,972

Applicant(s)

HAMILTON ET AL.

Examiner

Mohammad Z. Shaikh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/24/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections- 35 U.S.C § 102

1. The following is a quotation of 35 U.S.C 102 which forms the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States,

2. Claims 1,3-4,7 are being rejected under 35 U.S.C 102(b) as being anticipated by US 2004/0019605 to Keown et al, herein referred to as Keown.

Regarding claim 1, Keown discloses:

A method for making a payment to a payee on behalf of a payor (paragraph 38), comprising:

Receiving a payment request for a payment service provider to pay a payee on behalf of a payor (paragraph 38);

Identifying those of a plurality of options available to electronically debit a payment account associated with the payor in making the payment (paragraph 34);

Selecting one of the identified available electronic debiting options (paragraph 34); and

Effecting payment in accordance with the one selected electronic debiting option (paragraph 34).

Regarding claim 3 Keown discloses the method of claim 1, wherein each of the identified electronic debiting options is identified based upon at least one of i) the identity of the payee (paragraph 28), ii) the identity of the payor (paragraph 34), iii) the

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identity of a financial institution at which the payment account is maintained (paragraph 70), iv) the identity of a consumer service provider with which the payor is associated (paragraph 72), and v) a type of payment service offered by the payment service provider utilized by the payor (paragraph 36).

Regarding claim 4, Keown discloses The method of claim 1, wherein effecting payment in accordance with each of the electronic debiting options includes issuing an electronic funds transfer file via the ACH network (paragraph 8).

Regarding claim 7, Keown discloses the method of claim 1, wherein those available electronic debiting options are identified based upon the received payment request (paragraph 26).

Claim Rejections 35 U.S.C § 103

3. The following is a quotation of 35 U.S.C 103(a) which forms the basis for all obviousness rejections set forth in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2,5-6 are being rejected under 35 U.S.C 103 (a) as being unpatentable over Keown in view of U.S. Patent 6,647,376 to Farrar et al, herein referred to as Farrar.

Regarding claim 2, Keown discloses the method of claim 1. However Keown does not disclose wherein the plurality of electronic debiting options include i) electronically debiting the payment account responsive to determining that funds in at

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least an amount of the payment request are available in the payment account, ii) electronically debiting the payment account responsive to determining that an entity is available from which to collect funds if funds cannot be collected from the payor in association with effecting the payment, iii) electronically debiting the payment account responsive to selecting an account to receive an electronic credit associated with the electronic debit, the selected account associated with the payment service provider, iv) electronically debiting the payment account responsive to determining that a risk of financial loss to the payment service provider associated with effecting the payment on behalf of the payor is an acceptable risk, the determination based upon information associated with at least one of an amount of the payment and one or more prior payments effected on behalf of the payor. Faraar does disclose wherein the plurality of electronic debiting options include i) electronically debiting the payment account responsive to determining that funds in at least an amount of the payment request are available in the payment account, ii) electronically debiting the payment account responsive to determining that an entity is available from which to collect funds if funds cannot be collected from the payor in association with effecting the payment, iii) electronically debiting the payment account responsive to selecting an account to receive an electronic credit associated with the electronic debit, the selected account associated with the payment service provider, iv) electronically debiting the payment account responsive to determining that a risk of financial loss to the payment service provider associated with effecting the payment on behalf of the payor is an acceptable risk, the determination based upon information associated with at least one of an

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amount of the payment and one or more prior payments effected on behalf of the payor (column 12, lines 1-24). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include a feature whereby many electronic debiting options include i) electronically debiting the payment account responsive to determining that funds in at least an amount of the payment request are available in the payment account, ii) electronically debiting the payment account responsive to determining that an entity is available from which to collect funds if funds cannot be collected from the payor in association with effecting the payment, iii) electronically debiting the payment account responsive to selecting an account to receive an electronic credit associated with the electronic debit, the selected account associated with the payment service provider, iv) electronically debiting the payment account responsive to determining that a risk of financial loss to the payment service provider associated with effecting the payment on behalf of the payor is an acceptable risk, the determination based upon information associated with at least one of an amount of the payment and one or more prior payments effected on behalf of the payor. One of ordinary skill in the art would have been motivated to include a feature whereby many electronic debiting options include i) electronically debiting the payment account responsive to determining that funds in at least an amount of the payment request are available in the payment account, ii) electronically debiting the payment account responsive to determining that an entity is available from which to collect funds if funds cannot be collected from the payor in association with effecting the payment, iii) electronically debiting the payment account responsive to selecting an account to

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receive an electronic credit associated with the electronic debit, the selected account associated with the payment service provider, iv) electronically debiting the payment account responsive to determining that a risk of financial loss to the payment service provider associated with effecting the payment on behalf of the payor is an acceptable risk, the determination based upon information associated with at least one of an amount of the payment and one or more prior payments effected on behalf of the payor in order to make the entire process more efficient and to also minimize the risk to the entity which is guaranteeing the funds. Keown does disclose electronically debiting the payment account responsive to determining that an electronic credit can be initiated by the payment service provider to reverse the electronic debit if funds cannot be collected from the payor in association with the effected payment (paragraph 74).

Regarding claim 5, Keown discloses the method of claim 1. However Keown does not disclose further comprising: selecting another of the identified available electronic debiting options; and determining not to effect payment in accordance with the other selected electronic debiting option; wherein the one identified electronic debiting option is selected subsequent to determining not to effect payment in accordance with the other identified available electronic debiting option. Faraar discloses further comprising: selecting another of the identified available electronic debiting options; and determining not to effect payment in accordance with the other selected electronic debiting option; wherein the one identified electronic debiting option is selected subsequent to determining not to effect payment in accordance with the other identified available electronic debiting option (column 14, lines 60-65). Therefore

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it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include a feature to select another of the identified available electronic debiting options; and determining not to effect payment in accordance with the other selected electronic debiting option; wherein the one identified electronic debiting option is selected subsequent to determining not to effect payment in accordance with the other identified available electronic debiting option. One of ordinary skill in the art would have been motivated to include a feature to select another of the identified available electronic debiting options; and determining not to effect payment in accordance with the other selected electronic debiting option; wherein the one identified electronic debiting option is selected subsequent to determining not to effect payment in accordance with the other identified available electronic debiting option in order to make the entire payment process more efficient.

Regarding claim 6, Keown teaches the method of claim 5. However Keown does not teach further comprising: processing the received payment request to determine a risk of financial loss to the payment service provider associated with effecting the payment on behalf of the payor in accordance with the other selected electronic debiting option; wherein the determination not to electronically debit the payment account in accordance with the other selected electronic debiting option is based upon the determined risk of financial loss. Faraar does teach further comprising: processing the received payment request to determine a risk of financial loss to the payment service provider associated with effecting the payment on behalf of the payor in accordance with the other selected electronic debiting option (column 11, lines 23-46); wherein the

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determination not to electronically debit the payment account in accordance with the other selected electronic debiting option is based upon the determined risk of financial loss (column 11, lines 23-50). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include a feature to process the received payment request to determine a risk of financial loss to the payment service provider associated with effecting the payment on behalf of the payor in accordance with the other selected electronic debiting option; wherein the determination not to electronically debit the payment account in accordance with the other selected electronic debiting option is based upon the determined risk of financial loss. One of ordinary skill would have been motivated to include a feature to process the received payment request to determine a risk of financial loss to the payment service provider associated with effecting the payment on behalf of the payor in accordance with the other selected electronic debiting option; wherein the determination not to electronically debit the payment account in accordance with the other selected electronic debiting option is based upon the determined risk of financial loss in order to minimize the risk to the financial entity guaranteeing the funds in the account.

5. Claims 8-9 are being rejected under 35 U.S.C 103 (a) as being unpatentable over Keown in view of US 2004/0230526 to Praisner.

Regarding claim 8, Keown teaches the method of claim 1. However Keown does not teach, wherein two or more of the plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options associated with a shortest time period to

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complete payment to the payee on behalf of the payor; wherein the determined one of the electronic debiting options is selected. Praisner discloses, wherein two or more of the plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options associated with a shortest time period to complete payment to the payee on behalf of the payor; wherein the determined one of the electronic debiting options is selected (Fig4; paragraph 34). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include a feature whereby two or more of the plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options associated with a shortest time period to complete payment to the payee on behalf of the payor; wherein the determined one of the electronic debiting options is selected. One of ordinary skill in the art would have been motivated to modify Keown's invention to include a feature whereby two or more of the plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options associated with a shortest time period to complete payment to the payee on behalf of the payor; wherein the determined one of the electronic debiting options is selected in order to make the payment process more efficient.

Regarding claim 9, Keown discloses the method of claim 1. However Keown does not disclose wherein two or more of the plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or

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more identified electronic debiting options associated with a shortest time period to complete payment to the payee on behalf of the payor; wherein the determined one of the electronic debiting options is selected. Praisner does disclose wherein two or more of the plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options associated with a shortest time period to complete payment to the payee on behalf of the payor; wherein the determined one of the electronic debiting options is selected (Fig4; paragraph 33). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include a feature whereby two or more of the plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options associated with a shortest time period to complete payment to the payee on behalf of the payor; wherein the determined one of the electronic debiting options is selected. One of ordinary skill in the art would have been motivated to modify Keown's invention to include a feature whereby two or more of the plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options associated with a shortest time period to complete payment to the payee on behalf of the payor; wherein the determined one of the electronic debiting options is selected in order to make the entire payment process more efficient.

5. Claims 10-12,14-15,18,21-22 are being rejected under 35 U.S.C 103(a) as being unpatentable over Keown in view of US 2005/0010523 to Myklebust et al, herein referred to as Myklebust.

Regarding claim 10, Keown discloses the method of claim 1. However Keown does not disclose wherein two or more of the plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options associated with a lesser cost to the payment service provider; wherein the determined one of the electronic debiting options is selected. Myklebust discloses wherein two or more of the plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options associated with a lesser cost to the payment service provider; wherein the determined one of the electronic debiting options is selected (Fig 15: 562,564,568 ; paragraph 31). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include a feature whereby a plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options associated with a lesser cost to the payment service provider; wherein the determined one of the electronic debiting options is selected. One of ordinary skill in the art would have been motivated to include a feature whereby a plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more

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identified electronic debiting options associated with a lesser cost to the payment service provider; wherein the determined one of the electronic debiting options is selected in order to make the entire payment process more efficient.

Regarding claim 11, Keown discloses the method of claim 1. However Keown does not disclose wherein two or more of the plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options which provides a highest level of protection against financial loss to the payment service provider; wherein the determined one of the electronic debiting options is selected. Mykleburst does disclose, wherein two or more of the plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options which provides a highest level of protection against financial loss to the payment service provider; wherein the determined one of the electronic debiting options is selected (Fig 15: 562,564,568; paragraph 29). Therefore it would have been obvious to one of ordinary skill in the art to modify Keown's invention to include a feature whereby a plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options which provides a highest level of protection against financial loss to the payment service provider; wherein the determined one of the electronic debiting options is selected. One of ordinary skill in art would have been motivated to include a feature whereby a plurality of electronic debiting options are identified as being available, and further comprising: determining the one of the two or more identified electronic debiting options

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which provides a highest level of protection against financial loss to the payment service provider; wherein the determined one of the electronic debiting options is selected in order to make the entire payment process more efficient.

Regarding claim 12, Keown teaches a system for making a payment to a payee on behalf of a payor (paragraph 38), comprising:

A communications interface configured to receive a payment request for a payment service provider to pay a payee on behalf of a payor (claim 22).

Keown does not teach a processor configured to i) identify those of a plurality of options available to electronically debit a payment account associated with the payor in making the payment, ii) select one of the identified available electronic debiting options, and iii) cause payment to be effected in accordance with the one selected electronic debiting option. However Myklebust does teach a processor configured to i) identify those of a plurality of options available to electronically debit a payment account associated with the payor in making the payment, (Fig 15: 562,564,566,568) ii) select one of the identified available electronic debiting options (Fig 15: 560), and iii) cause payment to be effected in accordance with the one selected electronic debiting option (Fig 15: 570). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include a processor configured to i) identify those of a plurality of options available to electronically debit a payment account associated with the payor in making the payment, ii) select one of the identified available electronic debiting options, and iii) cause payment to be effected in accordance with the one selected electronic debiting option. One of ordinary skill in the

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art would have been motivated to include a processor configured to i) identify those of a plurality of options available to electronically debit a payment account associated with the payor in making the payment, ii) select one of the identified available electronic debiting options, and iii) cause payment to be effected in accordance with the one selected electronic debiting option in order to give the user the flexibility of having different debiting options.

Regarding claims 14, Keown discloses the system of claim 12. However Keown does not disclose wherein the processor is further configured to identify each of the identified electronic debiting options. Myklebust discloses wherein the processor is further configured to identify each of the identified electronic debiting options ((Fig15: 562,564,566,568)). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include a feature to identify each of the identified electronic debiting options. One of ordinary skill in the art would have been motivated to include a feature to identify each of the identified electronic debiting options in order to give the user the flexibility of having different debiting options. Keown discloses the processor is further configured to identify the i) the identity of the payee (paragraph 28) , ii) the identity of the payor (paragraph 34), iii) the identity of a financial institution at which the payment account is maintained (paragraph 70), iv) the identity of a consumer service provider with which the payor is associated (paragraph 72), and v) a type of payment service offered by the payment service provider utilized by the payor (paragraph 36).

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Regarding claim 15, Keown discloses the system of claim 12. However Keown does not disclose wherein effecting payment in accordance with each of the electronic debiting options. Myklebust discloses wherein effecting payment in accordance with each of the electronic debiting options ((Fig15: 562,564,566,568). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include effecting payment in accordance with each of the electronic debiting options. One of ordinary skill in the art would have been motivated to include effecting payment in accordance with each of the electronic debiting options in order to give the user the flexibility of having different debiting options. Keown teaches issuing an electronic funds transfer file via the ACH network (paragraph 8).

Regarding claim 18, Keown discloses the system of claim 12. However Keown does not disclose wherein the processor is further configured to identify those available electronic debiting options based upon the received payment request. Mykelbust discloses wherein the processor is further configured to identify those available electronic debiting options based upon the received payment request (Fig 15: 562,564,566,568). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include the processor which is further configured to identify those available electronic debiting options based upon the received payment request. One of ordinary skill in the art would have been motivated to include the processor which is further configured to identify those available electronic debiting options based upon the received payment request in order to make the entire payment process more efficient.

Regarding claim 21, Keown teaches the system of claim 12. However Keown does not teach wherein: two or more of the plurality of electronic debiting options are identified as being available; and the processor is further configured to i) determine the one of the two or more identified electronic debiting options associated with a lesser cost to the payment service provider, and ii) select the determined one of the electronic debiting options. Mykleburst does teach two or more of the plurality of electronic debiting options are identified as being available (Fig 15: 562,564,568); and the processor is further configured to i) determine the one of the two or more identified electronic debiting options associated with a lesser cost to the payment service provider, and ii) select the determined one of the electronic debiting options (paragraph 31; Fig15: 560). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include two or more of the plurality of electronic debiting options are identified as being available; and the processor is further configured to i) determine the one of the two or more identified electronic debiting options associated with a lesser cost to the payment service provider, and ii) select the determined one of the electronic debiting options. One of ordinary skill in the art at the time of the invention would have been motivated to include two or more of the plurality of electronic debiting options are identified as being available; and the processor is further configured to i) determine the one of the two or more identified electronic debiting options associated with a lesser cost to the payment service provider, and ii) select the determined one of the electronic debiting options in order to make the entire payment process more efficient.

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Regarding claim 22, Keown discloses the system of claim 12. However Keown does not disclose wherein: two or more of the plurality of electronic debiting options are identified as being available; and the processor is further configured to i) determine the one of the two or more identified electronic debiting options which provides a highest level of protection against financial loss to the payment service provider, and ii) select the determined one of the electronic debiting options. Mkyleburst discloses two or more of the plurality of electronic debiting options are identified as being available ((Fig 15: 562,564,568); and the processor is further configured to i) determine the one of the two or more identified electronic debiting options which provides a highest level of protection against financial loss to the payment service provider, and ii) select the determined one of the electronic debiting options (paragraph 29; Fig 15: 560). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include a feature whereby two or more of the plurality of electronic debiting options are identified as being available; and the processor is further configured to i) determine the one of the two or more identified electronic debiting options which provides a highest level of protection against financial loss to the payment service provider, and ii) select the determined one of the electronic debiting options. One of ordinary skill in the art would have been motivated to modify Keown's invention to include a feature whereby two or more of the plurality of electronic debiting options are identified as being available; and the processor is further configured to i) determine the one of the two or more identified electronic debiting options which provides a highest level of protection against financial loss to the payment service

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provider, and ii) select the determined one of the electronic debiting options in order to make the entire payment process more efficient.

6. Claims 13,16-17 are being rejected under 35 U.S.C 103(a) as being unpatentable over Keown in view of Myklebust and further in view of Farraar.

Regarding claim 13, Keown teaches the system of claim 12. However Keown does not teach herein the plurality of electronic debiting options include i) electronically debiting the payment account responsive to determining that funds in at least an amount of the payment request are available in the payment account, ii) electronically debiting the payment account responsive to determining that an entity is available from which to collect funds if funds cannot be collected from the payor in association with effecting the payment, iii) electronically debiting the payment account responsive to selecting an account to receive an electronic credit associated with the electronic debit, the selected account associated with the payment service provider, iv) electronically debiting the payment account responsive to determining that a risk of financial loss to the payment service provider associated with effecting the payment on behalf of the payor is an acceptable risk, the determination based upon information associated with at least one of an amount of the payment and one or more prior payments effected on behalf of the payor. Myklebust does teach the plurality of electronic debiting options (Fig15: 562,564,566,568). Farrar teaches i) electronically debiting the payment account responsive to determining that funds in at least an amount of the payment request are available in the payment account (Fig 8: S406B), ii) electronically debiting the payment account responsive to determining that an entity is available from which to collect funds

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if funds cannot be collected from the payor in association with effecting the payment (column 11, lines 33-39), iii) electronically debiting the payment account responsive to selecting an account to receive an electronic credit associated with the electronic debit, the selected account associated with the payment service provider, (column 13, lines 15-19) iv) electronically debiting the payment account responsive to determining that a risk of financial loss to the payment service provider associated with effecting the payment on behalf of the payor is an acceptable risk, the determination based upon information associated with at least one of an amount of the payment and one or more prior payments effected on behalf of the payor (column 11, lines 51-66). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include the plurality of electronic debiting options include i) electronically debiting the payment account responsive to determining that funds in at least an amount of the payment request are available in the payment account, ii) electronically debiting the payment account responsive to determining that an entity is available from which to collect funds if funds cannot be collected from the payor in association with effecting the payment, iii) electronically debiting the payment account responsive to selecting an account to receive an electronic credit associated with the electronic debit, the selected account associated with the payment service provider, iv) electronically debiting the payment account responsive to determining that a risk of financial loss to the payment service provider associated with effecting the payment on behalf of the payor is an acceptable risk, the determination based upon information associated with at least one of an amount of the payment and one or more prior

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payments effected on behalf of the payor. One of ordinary skill in the art would have been motivated to include the electronic debiting options include i) electronically debiting the payment account responsive to determining that funds in at least an amount of the payment request are available in the payment account, ii) electronically debiting the payment account responsive to determining that an entity is available from which to collect funds if funds cannot be collected from the payor in association with effecting the payment, iii) electronically debiting the payment account responsive to selecting an account to receive an electronic credit associated with the electronic debit, the selected account associated with the payment service provider, iv) electronically debiting the payment account responsive to determining that a risk of financial loss to the payment service provider associated with effecting the payment on behalf of the payor is an acceptable risk, the determination based upon information associated with at least one of an amount of the payment and one or more prior payments effected on behalf of the payor in order to make the entire payment process more efficient.

Keown teaches electronically debiting the payment account responsive to determining that an electronic credit can be initiated by the payment service provider to reverse the electronic debit if funds cannot be collected from the payor in association with the effected payment (paragraph 74).

Regarding claim 16, Keown discloses the system of claim 12. However Keown does not disclose the processor is further configured to select another of the identified available electronic debiting options. Myklebust discloses the processor is further configured to select another of the identified available electronic debiting options (Fig

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15: 560). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include a processor that is further configured to select another of the identified available electronic debiting options. One of ordinary skill in the art at the time of the invention would have been motivated to include a processor that is further configured to select another of the identified available electronic debiting options in order to give the user the flexibility of having different debiting options. Faraar teaches ii) determine not to cause payment to be effected in accordance with the other selected electronic debiting option ; and the one identified electronic debiting option is selected subsequent to determining not to electronically debit the payment account in accordance with the other identified available electronic debiting option (column 14, lines 60-65). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include a feature to determine not to cause payment to be effected in accordance with the other selected electronic debiting option; and the one identified electronic debiting option is selected subsequent to determining not to electronically debit the payment account in accordance with the other identified available electronic debiting option. One of ordinary skill in the art would have been motivated to make the entire payment process more efficient.

Regarding claim 17, Keown teaches the system of claim 16. However Keown does not teach wherein: the processor is further configured to process the received payment request to determine a risk of financial loss to the payment service provider associated with effecting payment on behalf of the payor in accordance with the other

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selected electronic debiting option; and the determination not to effect payment in accordance with the other selected electronic debiting option is based upon the determined risk of financial loss. Myklebust discloses the processor is further configured to process the received payment request (Fig 15: 570). Farrar discloses determining a risk of financial loss loss to the payment service provider associated with effecting payment on behalf of the payor in accordance with the other selected electronic debiting option; and the determination not to effect payment in accordance with the other selected electronic debiting option is based upon the determined risk of financial loss (column 11, lines 23-50). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include determining a risk of financial loss to the payment service provider associated with effecting payment on behalf of the payor in accordance with the other selected electronic debiting option; and the determination not to effect payment in accordance with the other selected electronic debiting option is based upon the determined risk of financial loss. One of ordinary skill in the art would have been motivated to determining a risk of financial loss to the payment service provider associated with effecting payment on behalf of the payor in accordance with the other selected electronic debiting option; and the determination not to effect payment in accordance with the other selected electronic debiting option is based upon the determined risk of financial loss in order to make the entire payment process more efficient.

8. Claims 19,20 are being rejected under 35 U.S.C 103(a) as being unpatentable over Keown in view of Myklebust and further in view of US 2004/0230526 to Praisner.

Regarding claim 19, Keown teaches the system of claim 12. Keown does not teach wherein: each of the plurality of electronic debiting options is associated with a priority; two or more of the plurality of electronic debiting options are identified as being available; and the processor is further configured to i) determine the one of the two or more identified electronic debiting options having a highest associated priority, and ii) select the determined one of the electronic debiting options. Myklebust teaches each of the plurality of electronic debiting options is associated with a priority (Fig 15: 562,564,566,568). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include a feature that has a plurality of electronic debiting options associated with a priority. One of ordinary skill in the art would have been motivated to include a feature that has a plurality of electronic debiting options associated with a priority in order to make for a more efficient payment process. Praisner teaches two or more of the plurality of electronic debiting options are identified as being available; and the processor is further configured to i) determine the one of the two or more identified electronic debiting options having a highest associated priority, and ii) select the determined one of the electronic debiting options (paragraph 34). Therefore it would have been obvious to one of ordinary skill in the art to modify Keown's invention to include a feature two or more of the plurality of electronic debiting options are identified as being available; and the processor is further configured to i)

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determine the one of the two or more identified electronic debiting options having a highest associated priority, and ii) select the determined one of the electronic debiting options. One of ordinary skill in the art at the time of the invention would have been motivated to include a feature two or more of the plurality of electronic debiting options are identified as being available; and the processor is further configured to i) determine the one of the two or more identified electronic debiting options having a highest associated priority, and ii) select the determined one of the electronic debiting options in order to make the entire payment process more efficient.

Regarding claim 20, Keown discloses the system of claim 12. However Keown does not disclose two or more of the plurality of electronic debiting options are identified as being available; and the processor is further configured to i) determine the one of the two or more identified electronic debiting options associated with a shortest time period to complete payment to the payee on behalf of the payor, and ii) select the determined one of the electronic debiting options. Mykleburst discloses two or more of the plurality of electronic debiting options are identified as being available (Fig 15: 562,564,568). Praisner discloses the processor which is further configured to i) determine the one of the two or more identified electronic debiting options associated with a shortest time period to complete payment to the payee on behalf of the payor, and ii) select the determined one of the electronic debiting options (Fig 4; paragraph 33). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Keown's invention to include two or more of the plurality of electronic debiting options are identified as being available and the processor which is further configured to

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i) determine the one of the two or more identified electronic debiting options associated with a shortest time period to complete payment to the payee on behalf of the payor, and ii) select the determined one of the electronic debiting options . One of ordinary skill in the art would have been motivated to include two or more of the plurality of electronic debiting options are identified as being available and the processor which is further configured to i) determine the one of the two or more identified electronic debiting options associated with a shortest time period to complete payment to the payee on behalf of the payor, and ii) select the determined one of the electronic debiting options in order to make the entire payment process more efficient.

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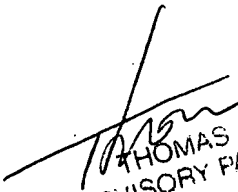
CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Z. Shaikh whose telephone number is (571)270-03444. The examiner can normally be reached on Monday-Friday (7:30-5); alt Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mohammad Z Shaikh
Examiner
Art Unit 4172


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